



U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

ENTERED

TAWANA C. MARSHALL, CLERK
THE DATE OF ENTRY IS
ON THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed September 30, 2013


United States Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

IN RE:

STEWART PHILLIP MCCRAY,

DEBTOR.

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§

CASE No. 12-37865-HDH-11

**FINDINGS OF FACT AND CONCLUSIONS OF LAW
REGARDING MOTION FOR DETERMINATION THAT SECOND PLAN
MODIFICATIONS DO NOT ADVERSELY AFFECT ANY ACCEPTING CREDITOR
THAT HAS NOT ACCEPTED THE MODIFICATIONS IN WRITING**

On this day came on for consideration the *Motion for Determination That Second Plan Modifications Do Not Adversely Affect Any Accepting Creditor That Has Not Accepted the Modifications in Writing* [Docket No. 154], filed on September 23, 2013 (the “**Second Plan Modification Motion**”) by N. McCray and Robert Yaquinto as Chapter 11 Trustee (the “**Plan Proponents**”). The Court, after noting that due notice of the Second Plan Modification Motion has been given to all parties-in-interest at the Confirmation Hearing and after the consideration of the evidence submitted and the arguments of counsel during the confirmation hearing makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. Adequate information was contained in the Amended Disclosure Statement in this case as set forth in Section 1125 of the Code.
2. The *Fourth Amended Plan of Reorganization* was not modified in such a manner that either classification or treatment of any creditor that voted to accept the Plan was materially altered in an adverse manner.
3. The Second Plan Modification Motion does not cause a material adverse change to the treatment of any class of creditors or interests that voted to accept the Plan, but which has not accepted the Second Plan Modifications in writing.
4. Notice sent to the twenty (20) largest creditors and those requesting notice is sufficient notice for modifications that do not cause a material adverse change to the treatment of creditors or interest holders which voted to accept the Plan.

CONCLUSIONS OF LAW

1. The *Fourth Amended Plan of Reorganization*, as modified, does not violate Sections 1122 and 1123 of the Code.
2. The *Fourth Amended Plan of Reorganization*, as modified, meets all of the requirements of Section 1129 of the Code.
3. The Plan Proponents met the qualifications of Section 1125 of the Code by virtue of the Amended Disclosure Statement.
4. All creditors and interest holders who voted in favor of the *Fourth Amended Plan of Reorganization* are deemed to have accepted the Second Plan Modifications.

END OF ORDER

SUBMITTED BY:

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